



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 17, 1991

Ms. Georgia Flint
Interim Commissioner
State Board of Insurance
P. O. Box 149104
Austin, Texas 78714-9104

OR91-651

Dear Ms. Flint:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13366.

You have received a request for the identity of any individual(s) who alleged violations of state insurance laws against the requestor. You claim the requested information is excepted from required public disclosure by the informer's privilege as incorporated by section 3(a)(1) into the Open Records Act.

The informer's privilege authorizes a governmental body to withhold information that would reveal the identity of persons who report possible violations of law to officials charged with enforcement of that law. Open Records Decision No. 434 (1986). The Department of Insurance is authorized by section 1 of article 1.10 of the Insurance Code to "[s]ee that all laws respecting insurance and insurance companies are faithfully executed." Article 21.07A of the code makes it a misdemeanor to sell insurance without a license. Because the Department of Insurance is charged with law enforcement authority under article 1.10 of the Insurance Code and because the complainant may reveal a violation of the law, we conclude that you may properly invoke the informer's privilege under section 3(a)(1) of the Open Records Act. The identity of the complainant need not be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-651.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GK/lcd

Ref.: ID# 13366
ID# 13513

cc: Ms. Anna D. Martin
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